

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

HDMI LICENSING ADMINISTRATOR, INC.

Plaintiff,

V.

AVAILINK INC.

Defendant.

Case No. 4:22-CV-06947-HSG

STIPULATION AND ORDER TO
EXTEND HEARING DATE AND CASE
MANAGEMENT CONFERENCE

Plaintiff HDMI Licensing Administrator, Inc. (“Plaintiff”) and defendant Availink Inc. (“Defendant”), by and through their undersigned counsel, hereby STIPULATE AND REQUEST that the parties’ initial case management conference (“CMC”) and oral argument on the pending motion to dismiss currently scheduled for July 27, 2023, at 2:00 p.m. be continued to October 12, 2023, and that the related deadline for submitting an updated case management statement be extended from July 20, 2023, to October 5, 2023.

Plaintiff filed its complaint on November 7, 2022 (Dkt No. 1), and Defendant filed a partial motion to dismiss on April 12, 2023 (Dkt. No. 30). As discussed at the prior case management conference, held on April 25, 2023, the Court extended the CMC to coincide with the date of the hearing on the motion to dismiss (July 20, 2023). Dkt. No. 39.

The parties agreed to participate in private mediation, with a deadline of July 17, 2023 to complete the same. Dkt. No. 35, 43. On July 12, 2023, the parties participated in a mediation held in San Jose, CA, which included client representatives from both sides. Although the parties were unable to agree to a settlement by the conclusion of the mediation, Plaintiff agreed to further discuss the terms of Defendant's settlement proposal internally, and with potentially affected parties, at an

1 upcoming meeting on August 8, 2023. In order to permit the parties additional time to explore if
 2 settlement is possible before the CMC, and for the updated case management statement to reflect
 3 the most up-to-date status, the parties are jointly requesting an extension of the hearing and CMC
 4 to October 12, 2023 (with the updated case management statement to be filed on or before October
 5, 2023).

6 There have been two prior extensions of the CMC, moving it from February 14, 2023 to
 7 April 25, 2023, to allow Defendant to retain local counsel and for the parties to confer about claims
 8 and defenses, Dkt. No. 15, and from July 20, 2023 to July 27, 2023, to allow the parties to complete
 9 the mediation, Dkt. No. 44. The requested modification will not change any deadlines other than
 10 the July 20, 2023 deadline to submit an updated case management statement.

11 Dated: July 19, 2023

12 EPSTEIN DRANGEL LLP

13 By: /s/ Kerry Brownlee

Kerry Brownlee**

14 Attorney for Plaintiff (admitted *pro hac vice*)

15 Dated: July 19, 2023

16 KING & WOOD MALLESONS

17 By: /s/ Vincent Filardo, Jr.

Vincent Filardo, Jr.

18 Attorney for Defendant (admitted *pro hac
vice*)

19 ** Pursuant to Civ. L.R. 5-1(i)(3), the
 20 filer of the document has obtained
 21 approval from this signatory.

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ORDER

IT IS HEREBY ORDERED that the hearing on the motion to dismiss and the initial case management conference, previously scheduled for July 27, 2023, at 2:00 p.m., is continued to October 12, 2023 at 2:00 p.m., and the updated case management statement is due on October 5, 2023.

Dated: 7/20/2023

By: Haywood S. Gillam, Jr.
Haywood S. Gillam, Jr.
United States District Judge